

## **REMARKS**

### **I. INTRODUCTION**

This is in full and timely response to the Action mailed November 9, 2000. The Examiner has rejected claims 1-18 and 22-26. Claims 1, 4, 5, 11 and 13 have been amended. Further, claim 27 has been added. Upon entry of the present amendment, claims 1-18 and 22-27 will be pending in the present application. In view of the following remarks and amendments set forth above, reconsideration of the present patent application is respectfully requested.

### **II. CLAIM OBJECTIONS**

The Examiner objected to claims 1, 5, 11, and 13 by questioning whether the phrase "subscriber can be accessed" means that the "subscriber can be reached." Claims 1, 5, 11, and 13 have been amended to recite that the "subscriber can be reached," in accord with the Examiner's suggestion. Thus, Applicants request withdrawal of the objection.

### **III. REJECTION UNDER 35 USC §112**

The Examiner rejected claim 4 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner rejected the claims arguing that the limitation "said originating party" lacks sufficient antecedent basis. Claim 4 has been amended to recite "said originating source." The amended claim has sufficient antecedent basis in independent claim 1, from which claim 4 depends. Thus, withdrawal of the rejection is respectfully requested.

#### IV. REJECTION UNDER 35 USC §103

The Examiner rejected claims 1-11, 13-16 and 22-26 under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,029,196 to *Morganstein* in view of U.S. Patent Number 5,329,578 to *Brennan et al.* In response, Applicants have amended claim 1 to more closely claim the instant invention. Specifically, Applicants have added the steps of: "associating each routing list with at least one originating source," "determining an order of said directory numbers," for each routing list and "identifying said first originating source of said call." Even more importantly, Applicants further clarified the step directed to selecting a routing list so that claim is directed to selection "based on the identity of said first originating source." In view of these amendments, Applicants respectfully request reconsideration of the present patent application and submit that the rejections have been successfully traversed.

Applicants submit that a prima facie case of obviousness has not been established. According to MPEP §2142, a prima facie case of obviousness must set forth the following elements:

1. some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. a reasonable expectation of success; and
3. the prior art reference (or references when combined) must teach or suggest all the claim limitations.

First, Applicants submit that the cited references do not teach or suggest all of the claim elements. Amended claim 1 is directed to a method of directing an incoming call sequentially to the directory numbers on a routing list that has been selected from a plurality of routing lists based on the identity of the caller. Applicants submit that neither *Morganstein* nor *Brennan*, taken singularly or collectively, teach the elements of claim 1.

Specifically, *Morganstein* teaches associating a particular caller's phone number with a single phone number associated with a called party. Essentially, as discussed in the Interview on Wednesday, January 10, 2001, *Morganstein* teaches a one-to-one relationship between a caller's phone number and a phone number corresponding to the subscriber. Although, *Morganstein* describes a list, the list is merely a list of these one-to-one relationships. Thus, *Morganstein* does not teach, suggest, or describe the claimed invention because *Morganstein* only describes a single list and does not describe associating an incoming phone number with a routing list comprising multiple numbers where the subscriber could possibly be reached.

Moreover, *Brennan* does not teach the elements of claim 1 of the present application. Instead, *Brennan* teaches establishing a Subscriber Schedule, which is comprised of different time slots that contain the phone numbers where the subscriber could possibly be reached at various times of the day and week. Further, *Brennan* teaches directing incoming calls to the list of numbers contained within the time slots of the Subscriber Schedule based upon when the incoming call was received. However, *Brennan* fails to teach the step of directing incoming calls based upon the identity of the calling party. Instead, the method taught in *Brennan* directs all incoming calls to the same list of phone numbers regardless on the identity of the caller.

During the Interview on Wednesday, January 10, 2001, the Examiner argued that *Brennan* directs each call differently. Specifically, the Examiner argued that the incoming calls are directed differently based upon the treatment disclosed in Table 1.0 of *Brennan*. Applicants respectfully submit that the treatment disclosed in Table 1.0 of *Brennan* differs from the method disclosed in the present application. The method of *Brennan* associates various special treatments with different potential incoming calling numbers, as shown in Table 1.0 of *Brennan*. When a call is made by a party, the method of *Brennan* identifies an incoming call using Caller Line Identification (CLID) and grants the incoming call special

treatment based upon its association in Table 1.0. For example, a special treatment could be a system announcement where the caller does not wish to speak with the caller. Col 5, lines 8-9. Implicitly, *Brennan* defines the various special treatments as being used either to greet the incoming call with an announcement, to send the call directly to messaging or to allow the subscriber to only receive certain calls such as only priority and emergency calls. See *Brennan* col. 5, 8-15 and col. 12 lines 11-21. Thus, Table 1.0, which is an example of a Caller List, lists additional commands that the subscriber can give to the system. The “special treatment” of Table 1.0 does not direct the incoming call to different directory numbers where the caller can be reached. Rather, the “special treatment” feature is a list of commands that are used by the system to determine whether or not the call should be permitted to be routed pursuant to the Subscriber Schedule or whether the caller should be blocked from reaching the subscriber. Essentially, the Caller List feature provides the subscriber with a way of blocking calls from reaching the subscriber. The system will block certain incoming calls by stating that the subscriber is unavailable or forcing the call to a messaging system, while letting calls with “priority” or “emergency” commands by-pass the subscriber’s temporary diversion of calls.

In contrast, the present invention, as recited in claim 1, directs incoming calls sequentially to a plurality of directory numbers where the subscriber can be reached. The directory numbers are located on a routing list that has been selected from a plurality of routing lists based upon the identity of the incoming call. In other words, each incoming call is directed to the directory numbers found on a routing list that has been assigned to that specific calling number by the subscriber. One of the largest distinctions between *Brennan* and the instant invention is that *Brennan* does not route incoming calls to a routing list, comprising a plurality of phone numbers where the subscriber can be reached, based upon the identity of the caller. Rather, *Brennan* routes all incoming calls to the **same list of phone numbers**. Even if a particular caller receives special treatment under Table 1.0 of *Brennan*,

that call is still routed to the **same list** of numbers as all other calls that are not blocked. The special treatment feature of *Brennan* only enables a caller having special treatment to have his call routed to the subscriber, whereas other incoming calls are blocked from reaching the subscriber. Thus, the elements of claim 1 are not taught by *Morganstein* or *Brennan*, or the combination thereof.

Second, Applicants further assert that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the teachings of *Morganstein* and *Brennan*. The present invention enables a system to direct an incoming phone call to a list of phone numbers where the subscriber can be reached based upon the originating source. Thus, the system directs incoming calls based upon the identity of the caller.

The system taught in *Morganstein*, on the other hand, directs an incoming phone number to a single phone number. Thus, the subscriber in *Morganstein* does not have the option to provide the system with a list of directory numbers that could be used to direct an incoming call.

*Brennan* teaches directing incoming calls to up to three different subscriber phone numbers based upon the time of day and the day of the week that the call is received. Further, *Brennan* grants special treatment to certain calls based upon the identity of the calling party. All incoming calls which are given special treatment are directed to the same list of phone numbers. The only difference being that the calls with special treatment have the ability to circumvent temporary blocks placed on the system by the subscriber, which would otherwise prevent the call from being directed to the subscriber. Thus, *Brennan* does not teach routing calls to a list of directory numbers where the subscriber can be reached based upon the identity of the caller.

It is apparent that the essential teaching of *Morganstein* is to direct calls to a single number based on the identity of the calling party. However, *Brennan* bases its routing

system on directing calls based upon the time of day and week that the call was received. Thus, the teachings of *Morganstein* and *Brennan* are fundamentally different in that they implicitly teach away from each other. Therefore, Applicants submit that there exists no suggestion or motivation to combine the teachings of *Morganstein* and *Brennan*. Thus, Applicants request the Examiner withdraw the rejection and allow claim 1 and those claims depending therefrom.

The Examiner rejected claims 5-7 and claim 13 by referencing the arguments set forth in the rejection of claim 1. In a similar fashion, Applicants respectfully request that the Examiner review the arguments set forth above while reconsidering claims 5-7 and claim 13. Further, Applicants submit that claims 5-7, claim 13 and those claims depending therefrom are patentable and request that the Examiner withdraw the rejection.

The Examiner rejected claim 11 under 35 USC §103 under *Morganstein* in view of *Brennan*. Specifically, the Examiner argued that while *Morganstein* teaches a routing list comprising only one directory number, *Brennan* teaches a routing list comprising a plurality of directory numbers, as shown in Table 2.0.

In response, Applicants have amended claim 11 to further recite "retrieve an associated routing list from said memory storage device for said calling line identification based on the identity of said originating party." As set forth above, neither *Brennan* nor *Morganstein*, taken singularly or collectively, teach the step of retrieving a routing list from a plurality of routing lists based on the identity of said originating party, each routing list containing a plurality of directory numbers where the subscriber can be reached. Further, Applicants point out that Table 2.0 of *Brennan* provides phone numbers corresponding to the usual physical location of the phone corresponding to that number. See *Brennan*, col. 5, lines 61-65. Additionally, the table can store the ringing time at each device. See *Brennan*, col. 5, lines 65-67. Even so, *Brennan* fails to teach selecting a routing list based on the identity of the caller and directing the incoming call based on a routing list selected based upon the

caller's identity to a plurality of directory numbers where the subscriber can be reached. Therefore, Applicants respectfully request that the Examiner withdraw the rejection and allow claim 11 and those claims depending therefrom.

## **V. NEW CLAIM**

New claim 27 is directed to a method of directing incoming calls based upon the identity of the caller. Further, claim 27 recites directing an incoming call according to a plurality of directory numbers where the subscriber can be reached located on a routing list that has been associated with that particular calling party.

The preceding arguments address only the arguments in the Official Action, and therefore may not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited references. Accordingly, Applicants advance the preceding arguments in favor of patentability without prejudice to other bases of patentability.

## **VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Please amend claims 1, 4, 5, 11 and 13 as follows:

1. (Four Times Amended) In an integrated computer telephony system including a call routing system, a method for routing a call based on the identity of an originating source of said call, comprising the steps of:

maintaining a plurality of routing lists for a telephony subscriber, each of said routing lists [being associated with at least one originating source and each routing list] comprising a plurality of directory numbers where the subscriber can be [accessed] reached, and for each of said routing lists: [said directory numbers being in an order determined by the subscriber;]

associating each routing list with at least one originating source;  
determining an order of said directory numbers;  
receiving said call from [said] a first originating source;  
identifying said first originating source of said call;  
selecting a routing list from said plurality of routing lists based on the identity  
of said first originating source [associated with said originating source from said plurality of  
routing lists]; and  
directing said call sequentially to the directory numbers on said routing list.

4. (Twice Amended) The method of claim 1, wherein said integrated computer telephony system provides a calling line identification service and said selecting a routing list step further comprises the steps of:

receiving a calling line identification for said originating [party] source;  
retrieving an associated routing list for said originating [party] source  
based on said calling line identification; and  
retrieving a default routing list if said associated routing list does not exist.

5. (Four Times Amended) In a program module responsive to receiving communications for a personal number subscriber, a method for routing a communication to said subscriber, comprising the steps of:

maintaining a plurality of routing lists for a telephony subscriber, each of said routing lists [being associated with at least one originating source party and at least one personal number and] comprising a plurality of directory numbers where the subscriber may be [accessed] reached, [said directory numbers being in an order determined by the subscriber;] and for each of said routing lists:

associating each routing list with at least one originating source;



determining an order of said directory numbers;  
receiving a communication directed to a personal number from [an] a first  
originating party;  
selecting a routing list from said plurality of routing lists based on the identity  
of said first originating party [associated with said personal number and said originating  
party]; and  
directing [routing] said call sequentially to the directory numbers on said  
routing list.

11. (Four Times Amended) A computer system for routing calls for a  
personal number subscriber based on the calling line identification of an originating party,  
comprising:

a processing unit;  
a memory storage device operative to store a plurality of routing lists for said  
personal number subscriber, each of said routing lists comprising a plurality of directory  
numbers where the subscriber may be [accessed] reached, said directory numbers being in an  
order determined by the subscriber;  
a receiving interface device coupled to said processing unit for receiving calls;  
a transmitting interface device coupled to said processing unit for placing  
calls;  
said processing unit being operative to:  
receive a call on said receiving interface device, said call being directed to said  
personal number subscriber;  
detect a calling line identification for said originating party;  
retrieve an associated routing list from said memory storage device for said  
calling line identification based on the identity of said originating party;

retrieve a default routing list from said memory storage device if said associated routing list does not exist; and  
direct said call setup request sequentially to the directory numbers on said routing list.

13. (Four Times Amended) A computer-readable medium on which is stored a computer program for selecting a routing list and directing a call based on an identifying criteria, and a data file containing a plurality of routing lists for a called party, wherein each of said routing lists comprises a plurality of directory numbers where the subscriber can be [accessed] reached, said directory numbers being in an order determined by the subscriber, said computer program comprising instructions which, when executed by a computer, perform the steps of:

receiving a communication for said called party;  
obtaining said identifying criteria from said communication;  
retrieving a routing list from said data file based on said identifying criteria;

and

directing said communication sequentially to the directory numbers on said routing list.

#### **NEW CLAIM**

Please add claim 27 as follows:

27. In an integrated computer telephony system including a call routing system, a method for routing a call based on the identity of an originating source of said call, comprising the steps of:

receiving said call from a first originating source;

identifying said first originating source of said call;

selecting a routing list from said plurality of routing lists based on the identity of said first originating source, each routing list associated with at least one originating source and comprising a plurality of directory numbers, placed in order, where a subscriber can be reached; and

directing said call sequentially to the directory numbers on said routing list.

### CONCLUSION

For at least the reasons set forth above, claims 1-18 and 22-27 define patentable subject matter. Applicants respectfully request allowance of the claims. The undersigned thanks the Examiner for extending courtesies in examination of this application.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicants' representative at the telephone number listed below.

Pursuant to 37 C.F.R. 1.136, Applicants petition that the period for response to the Action, in connection with the above-referenced application, be extended for three months, to and including May 9, 2001. The appropriate fee in the amount of \$890.00 for this extension for a large entity under 37 C.F.R. 1.17(a)(3) accompanies this petition. The Commissioner is authorized to charge any additional fees which may be due for this Petition, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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